

1 DEBORAH G. LEVINE
2 CA State Bar No. 57607
3 Law Offices of Deborah G. Levine
4 1299 Newell Hill Place, Suite 300
5 Walnut Creek, CA 94596
6 Tel. (925) 933-5100
7 Fax (925)933-5297

5 Attorney for BRANDON BUCHANAN

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

The defendant, by and through his attorney of record, DEBORAH G. LEVINE, and Assistant United States Attorney, JAMES MANN, hereby stipulate and ask the court to find good cause and order a continuance of Brandon Buchanan's appearance for change of plea and sentencing for the following reasons:

Defense counsel has been in trial since January 4, 2010 in trial in the case of People v. Marlon Reese, (case number 5-090098-5, Contra Costa County Superior Court, Department 8, Honorable John Kennedy). This trial is expected to conclude on January 27, 2010. Defendant Buchanan is currently scheduled to appear before this Court on February 23, 2010 at 10:00 a.m. for change of plea and sentence. The parties request that this matter be continued until to April 6, 2010, at 10:00 a.m. for the following reason:

Counsel for Mr. Buchanan has been unable to respond to the draft pre sentence report (PSR) which was received on January 15, 2010 because of the above trial and would like to do so before

1 the final probation report is prepared.

2 For the forgoing reasons the parties stipulate and agree that the ends of justice are served by
3 this continuance and outweigh the interest of the public and the defendant to a speedy trial because
4 the failure to grant such a continuance would unreasonably deny the defendant's right to effective
5 assistance of counsel. Furthermore both parties stipulate to the exclusion of time under 18
6 U.S.C. §3161(h)(7)(A)and(B)(iv) since without adequate time to respond to the pre sentence draft
7 report defendant's counsel cannot be effective in representing the defendant. For that reason the
8 interests of justice, for continuity of counsel and effective preparation taking into account the exercise
9 of due diligence, require such a continuance.

10 IT IS SO STIPULATED:

11 Dated: January 26, 2010

/s/James Mann

James Mann
Assistant United States Attorney

14 Dated: January 26, 2010

/s/Deborah G. Levine

DEBORAH G. LEVINE
Attorney for Brandon Buchanan

18 ORDER

20 FOR GOOD CAUSE SHOWN, IT IS ORDERED THAT:

21 The currently scheduled change of plea and sentencing hearing be continued to April 6, 2010

22 at 10 a.m. in front of the Honorable Saundra Brown Armstrong.

25 IT IS SO ORDERED

26 Dated: 1/27/10


HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE